

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TONNY STOREY, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

AMAZON.COM SERVICES LLC,

Defendant.

NO. 2:23-CV-01529-KKE

**STIPULATED MOTION AND ORDER
TO EXTEND DEADLINE FOR FILING
RESPONSE TO SECOND AMENDED
COMPLAINT AND SET BRIEFING
SCHEDULES**

Pursuant to Civil Local Rules 7(d)(1) and 10(g), the Estate of Tonny Storey¹ and Defendant Amazon.com Services LLC (“Amazon”), by and through their respective attorneys, hereby move the Court to enter an order extending Amazon’s deadline to respond to the Second Amended Complaint (“SAC”) approximately 4 weeks until August 23, 2024, setting a revised briefing schedule for Amazon’s anticipated Motion to Dismiss the SAC, and setting a briefing schedule for the Estate of Tonny Storey’s anticipated Motion for Substitution under Rule 25(a)(1). In support of the foregoing request for relief, the Estate of Tonny Storey and Amazon state as follows:

¹ Amazon reserves the right to challenge the Estate of Tonny Storey as a proper plaintiff in this action, including under Fed. R. Civ. Pro. (“Rule”) 25(a)(1), at the appropriate time including as described in this stipulated motion. Amazon in no way waives its right to challenge the Estate of Tonny Storey as a proper plaintiff in this action by filing this stipulated motion or its anticipated Motion to Dismiss the SAC.

STIPULATED MOTION AND
ORDER
(No. 2:23-cv-01529-KKE)

1 1. On January 9, 2024, Plaintiff Tonny Storey (“Storey”) filed his First Amended
2 Complaint (“FAC”), Dkt. 23. On February 9, 2024, Amazon filed its Motion to Dismiss the FAC
3 (Dkt. 25), and on April 24, 2024, the Court heard oral argument.

4 2. On June 7, 2024, the Court granted Amazon’s Motion to Dismiss the FAC,
5 dismissing without prejudice Storey’s CPA claim, and dismissing with prejudice the rest of
6 Storey’s claims, Dkt. 36.

7 3. On July 8, 2024, the Estate of Tonny Storey filed the SAC, Dkt. 39, and a
8 Statement of Suggestion of Plaintiff’s Death indicating that Tonny Storey had passed away, and
9 that the Estate of Tonny Storey would file a Motion for Substitution under Rule 25(a)(1) to be
10 substituted as plaintiff within ninety days, Dkt. 38.

11 4. Amazon’s current deadline to respond to the SAC is July 22, 2024. *See* Rule
12 15(a)(3).

13 5. On July 15, 2024 and July 22, 2024, counsel for the parties engaged in telephone
14 calls whereupon Amazon requested an extension to respond to the SAC approximately four
15 weeks until August 23, 2024 to account for court appearances in other matters and previously
16 scheduled vacations, and the parties agreed that the remaining briefing schedule for the
17 anticipated Motion to Dismiss the SAC would also be extended.

18 6. The parties further conferred as to a stipulated briefing schedule for the
19 anticipated Motion for Substitution, and agreed that for the convenience of the parties and the
20 Court it would be preferable to have those motions presented on the same briefing schedule.

21 7. Accordingly, the parties stipulate and respectfully move the Court to enter an
22 order extending the briefing schedule for Defendant’s anticipated Motion to Dismiss the SAC as
23 follows:
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25
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Event	Current Deadline	New Deadline
Deadline for Amazon's anticipated Motion to Dismiss the SAC	July 22, 2024	August 23, 2024
Deadline for the Estate of Tonny Storey's Opposition to Motion to Dismiss the SAC	August 12, 2024	September 20, 2024
Deadline for Defendant's Reply in Support of Motion to Dismiss the SAC	August 19, 2024	October 11, 2024

8. The parties also stipulate to the following briefing schedule for the Estate of Tonny Storey's anticipated Motion for Substitution.

Event	Current Deadline	New Deadline
Deadline for the Estate of Tonny Storey's Motion for Substitution	October 7, 2024	August 23, 2024
Deadline for Amazon's Opposition to Motion for Substitution	October 22, 2024	September 20, 2024
Deadline for the Estate of Tonny Storey's Reply in Support of Motion for Substitution	October 28, 2024	October 11, 2024

9. The requested extension and proposed briefing schedules will not impact any other previously scheduled dates in this matter.

1 DATED: July 22, 2024

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Tonny Storey

ORDER

The Court GRANTS parties' stipulated motion. Dkt. No. 40.

Dated this 22nd day of July, 2024.

A handwritten signature in black ink, reading "Kimberly K. Evanson". The signature is written in a cursive style with a horizontal line underneath.

Kimberly K. Evanson
United States District Judge